



Page 1 of 28
Permit No. WA0040991

Issuance Date: February 4, 2004

Effective Date: February 1, 2004

Expiration Date: June 30, 2008

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0040991

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Pacific Coast Shredding
901 Port Way
Vancouver, WA

<u>Facility Location:</u> 901 Port Way Vancouver, WA	<u>Receiving Water:</u> Columbia River
<u>Water Body I.D. No.:</u> (WA-CR-1010)	<u>Discharge Location:</u> Latitude: 45° 37' 45" N Longitude: 122° 41' 15" W
<u>Industry Type:</u> Scrap and Waste Materials (Automobile Shredding for Scrap) SIC 5093	

is authorized to discharge in accordance with the special and general conditions which follow.

Original signed by:

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

SUMMARY OF PERMIT REPORT SUBMITTALS.....	4
SPECIAL CONDITIONS	
S1. DISCHARGE LIMITATIONS.....	6
A. Stormwater Discharges	
B. Mixing Zone Descriptions	
S2. BENCHMARK VALUES	9
A. Stormwater Discharges	
S3. MONITORING REQUIREMENTS.....	9
A. Monitoring Schedule	
B. Sampling and Analytical Procedures	
C. Flow Measurement	
D. Laboratory Accreditation	
D. Exceedance of Benchmark Values	
E. Bypass Monitoring: Outfall 002	
S4. REPORTING AND RECORDKEEPING REQUIREMENTS	11
A. Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
S5. OPERATION AND MAINTENANCE.....	12
A. Operations and Maintenance Manual	
B. Bypass Procedures	
C. Duty to Mitigate	
S6. ACUTE TOXICITY	15
A. Effluent Characterization	
B. Effluent Limit for Acute Toxicity	
C. Monitoring for Compliance with an Effluent Limit for Acute Toxicity	
D. Response to Noncompliance with an Effluent Limit for Acute Toxicity	
E. Monitoring When There Is No Permit Limit for Acute Toxicity	
F. Sampling and Reporting Requirements	
S7. OUTFALL EVALUATION	18
S8. NEARSHORE EVALUATION.....	18
S9. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)	19
A. Plan Development Deadlines	

- B. General Requirements
- C. Implementation
- D. Plan Evaluation

S10. ENGINEERING REPORT	21
S11. COMPLIANCE SCHEDULE	21
GENERAL CONDITIONS	22
G1. SIGNATORY REQUIREMENTS.....	22
G2. RIGHT OF INSPECTION AND ENTRY	22
G3. PERMIT ACTIONS.....	23
G4. REPORTING A CAUSE FOR MODIFICATION	24
G5. PLAN REVIEW REQUIRED	24
G6. COMPLIANCE WITH OTHER LAWS AND STATUTES	24
G7. DUTY TO REAPPLY	24
G8. TRANSFER OF THIS PERMIT	25
G9. REDUCED PRODUCTION FOR COMPLIANCE	25
G10. REMOVED SUBSTANCES	25
G11. DUTY TO PROVIDE INFORMATION.....	25
G12. OTHER REQUIREMENTS OF 40 CFR.....	26
G13. ADDITIONAL MONITORING	26
G14. PAYMENT OF FEES.....	26
G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS	26
G16. UPSET	26
G17. PROPERTY RIGHTS.....	27
G18. DUTY TO COMPLY	27
G19. TOXIC POLLUTANTS.....	27
G20. PENALTIES FOR TAMPERING	27
G21. REPORTING PLANNED CHANGES.....	27
G22. REPORTING ANTICIPATED NON-COMPLIANCE.....	27
G23. REPORTING OTHER INFORMATION.....	28
G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS.....	28
G25. COMPLIANCE SCHEDULES	28

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	45 days following completed reporting period
S3.E	Noncompliance Notification	As necessary	
S5.A	Operations and Maintenance Manual		Within one year of the Department's approval of the Engineering Report (S10.A)
S5.A	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	Within one year of the Department's approval of the engineering report.
S5.B	Reporting Bypasses	As necessary	
S7.A	Outfall Evaluation Report	1 / 2 years	December 31, 2005
S8.A	Nearshore Evaluation Report	1 / 2 years	December 31, 2005
S9.A	Stormwater Pollution Prevention Plan	1 / permit cycle	By 90 days from effective date of permit
S9.B	Stormwater Pollution Prevention Plan Modifications	As necessary	
S10.A.	Engineering Report	1 / permit cycle	September 1, 2005
S6.A	Acute Toxicity Tests Characterization Summary Report and Data	1 / quarter in 3 rd year of the permit	45 days following the end of the quarter in which characterization begins.
S6.C	Acute Toxicity Compliance Monitoring Reports	1 / quarter in 4 th and 5 th years of the permit, if necessary.	45 days following the end of the quarter in which compliance monitoring begins.
S6.D	Acute Toxicity TI/TRE Plan	As necessary	
S6.E	Acute Toxicity Effluent Characterization with Permit Renewal Application	2 / permit cycle	45 days following the end of the quarter in which monitoring is conducted.
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	

Permit Section	Submittal	Frequency	First Submittal Date
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1 / permit cycle	January 1, 2007
G8	Notice of Permit Transfer	As necessary	
G21	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Non-compliance	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Stormwater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

- i. Beginning on the effective date of this permit and until one year from the date that Ecology approves the Engineering Report referenced in this permit, the Permittee is authorized to discharge stormwater at the permitted location subject to the following interim effluent limitations.

INTERIM EFFLUENT LIMITATIONS: OUTFALL # 001		
Parameter	Average Monthly ^a	Maximum Daily ^b
pH ^c , s.u.	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Oil and Grease, mg/L	35	55
Copper, µg/L		220 ^(1,2)
Lead, µg/L		530 ^(1,2)
Mercury, µg/L		6.5 ^(1,2)
Zinc, µg/L		5070 ^(1,2)
Arochlor 1242, µg/L		8
Arochlor 1254, µg/L		3 ^(1,2)
Total PCBs, µg/L		11 ^(1,2)
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.		
^c Indicates the range of permitted values.		

- ii. Beginning one year from Ecology's approval of the Engineering Report referenced in Section 10 and lasting through the expiration date, the Permittee is authorized to discharge

stormwater at the permitted location subject to complying with the following final effluent limitations:

FINAL EFFLUENT LIMITATIONS: OUTFALL # 001		
Parameter	Average Monthly ^a	Maximum Daily ^b
pH ^c , s.u.	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Oil and Grease, mg/L	10	15
Copper, µg/L		140 ^(1,2)
Lead, µg/L		370 ^(1,2)
Mercury, µg/L		4 ^(1,2)
Zinc, µg/L		1270 ^(1,2)
Total PCBs, µg/L –See Footnotes		0.05 ^(1,2)
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.		
^c Indicates the range of permitted values.		

Footnotes to Effluent Limit Tables:

⁽¹⁾ The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry and method number 220.2 from 40 CFR Part 136. The quantitation level (QL) for copper is 5 µg/L (5 x MDL).

The MDL for lead is 1 µg/L using graphite furnace atomic absorption spectrometry and method number 239.2 from 40 CFR Part 136. The QL for lead is 5 µg/L (5 x MDL).

The MDL for mercury is 0.2 µg/L using cold vapor atomic absorption spectrometry and method number 241.1 or 241.2 from 40 CFR Part 136. The QL for mercury is 1 µg/L (5 x MDL).

The MDL for zinc is 2 µg/L using inductively coupled plasma and method number 200.7 from 40 CFR Part 136. The QL for zinc is 10µg/L (5 x MDL).

The QL for individual PCBs is 0.2 µg/L (0.4 µg/L for Arochlor 1221) using gas chromatography/electron capture detector and method number 608 from 40 CFR Part 136.

The QLs for the individual PCB isomers will be used for assessment of compliance with these effluent limits. If the Permittee is unable to attain the MDL and QL in its effluent due to matrix

effects, the Permittee shall submit a matrix specific MDL and QL to the Department within nine months of the permit effective date. The matrix specific MDL and QL shall be calculated as follows:

MDL = 3.14 x (standard deviation of 7 replicate spiked samples). This corresponds to the calculation of the method detection limit, as defined in 40 CFR Part 136, Appendix B, with the provision that the MDL be calculated for a specific effluent matrix.

The QL = 5 x MDL

Check standards at concentrations equal to the QL shall be analyzed alongside all compliance monitoring samples. Check standards shall be produced independently of calibration standards and maintained as a part of the Permittee's records. All check standard recovery data and duplicate measurements shall be submitted to the Department in the discharge monitoring report. The Department's precision goal is +/- 20%.

⁽²⁾ If the measured effluent concentration is below the QL as determined in Footnote #1 above, the Permittee shall report the measurement as < (value), where the reported value is the QL.

B. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

The mixing zone to meet acute water quality standards for copper, lead, mercury, zinc and individual PCBs is defined as follows:

- (a) In any horizontal direction from the discharge port(s), the mixing zone will extend a distance not greater than 1/10th of the sum of three hundred feet plus the depth of water over the discharge port(s) as measured or calculated during mean lower low water with river flow at the 7Q10 or equivalent seasonal flows as determined by the Department; and
- (b) In the direction transverse to river flow, the mixing zone will not extend a distance that exceeds twenty-five percent of the width of the water body as measured or calculated during mean lower low water with river flow at the 7Q10 or equivalent seasonal flows as determined by the Department.

The mixing zone to meet chronic water quality standards for copper, lead, mercury and zinc, and human health-based standards for Total PCBs, is defined as follows:

- (a) In any horizontal direction from the discharge port(s), the mixing zone will extend a distance not greater than the sum of three hundred feet plus the depth of water over the discharge port(s) as measured or calculated during mean lower low water with river flow at the 7Q10 or equivalent seasonal flows as determined by the Department; and
- (b) In the direction transverse to river flow, the mixing zone will not extend a distance that exceeds twenty-five percent of the width of the water body as measured or calculated during mean lower low water with river flow at the 7Q10 or equivalent seasonal flows as determined by the Department.

S2. BENCHMARK VALUES

A. Stormwater Discharges

Beginning on the effective date of this permit, if discharge concentrations exceed the benchmark value, the discharger must inspect the site to ensure that all Best Management Practices identified in the Stormwater Pollution Prevention Plan (SWPPP) and improvements described in the Engineering Report are fully and consistently implemented, and notify the department of the exceedance and the corrective actions taken as a result of the inspection. The discharger will conduct the inspection within 24 hours of receipt of written or verbal laboratory results.

The Department will not enforce on failure to attain these values. Rather, the Department may enforce on failure of the discharger, in response to the exceedance, to notify the department, conduct a follow-up inspection as required under this section, and fully and consistently implement SWPPP-defined BMPS and improvements described in the Engineering Report.

Parameter	Benchmark Value
Chemical Oxygen Demand (COD)	120 mg/L
Total Suspended Solids (TSS)	100 mg/L

S3. MONITORING REQUIREMENTS

A. Monitoring Schedule

The permittee will sample discharges according to the following schedule. Outfall 001 is the discharge from the treatment system through the diffuser. Outfall 002 is the bypass.

Parameter	Units	Sample Point	Sampling Frequency Outfall 001	Sample Type Outfall 001	Sampling Frequency Outfall 002 (Bypass)	Sample Type Outfall 002 (Bypass)
Flow	cubic feet per second (cfs)	Effluent	Continuous	Metered ^a 1-hour and 96-hour averages ^b	Each Event	Estimated 1-hour and 96-hour averages
TSS	mg/L	Effluent	1 / month	Grab	Each Event	Grab
COD	mg/L	Effluent	1 / month	Grab	Each Event	Grab
pH	s.u.	Effluent	1 / month	Grab ^c	Each Event	Grab
Oil and Grease	mg/L	Effluent	1 / month	Grab	Each Event	Grab
Copper	µg/L	Effluent	1 / month	Grab	Each Event	Grab
Lead	µg/L	Effluent	1 / month	Grab	Each Event	Grab
Mercury	µg/L	Effluent	1 / month	Grab	Each Event	Grab
Zinc	µg/L	Effluent	1 / month	Grab	Each Event	Grab

Parameter	Units	Sample Point	Sampling Frequency Outfall 001	Sample Type Outfall 001	Sampling Frequency Outfall 002 (Bypass)	Sample Type Outfall 002 (Bypass)
Arochlor 1242 ^d	µg/L	Effluent	1 / month	Grab	Each Event	Grab
Arochlor 1254 ^d	µg/L	Effluent	1 / month	Grab	Each Event	Grab
Total PCBs	µg/L	Effluent	1 / month	Grab	Each Event	Grab
^a Must be metered starting July 1, 2004						
^b 96-hour average is a moving average with 96 nonzero 1-hour average flows						
^c Ecology may require continuous monitoring for pH in the future, if the permittee adjusts the discharge pH through the addition of an acid or base and discharges stormwater in a continuous (as opposed to a batch) process.						
^d Monitoring at Outfall 001 is required only when the interim effluent limitations are in effect . Monitoring is required every month at Outfall 002.						

B. Sampling and Analytical Procedures

All samples of Outfall 001 effluent shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. If the Permittee is unable to collect a sample due to insufficient rainfall or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data an explanation of why samples were not collected. Adverse climatic conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel or otherwise make collection of a sample impractical.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-

50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

D. Exceedance of Benchmark Values

Permit condition S9 contains requirements for sampling turn-around time for TSS and COD should discharges exceed benchmark values (S9.B4.g).

E. Bypass Monitoring: Outfall 002

See also Section S5.B4.

S4. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring data shall be summarized and reported on a form provided, or otherwise approved, by the Department, and be postmarked or received no later than 45 days following the end of the month when samples were taken. The report shall be sent to the Industrial Permit Coordinator, Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit other than attainment of benchmark values, due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S5. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department within one year of the Department's approval of the engineering report. The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual. For purposes of this section, the Treatment Plant includes the effluent pump station.

The O&M Manual shall include:

1. Treatment plant operating and maintenance procedures and schedules.
2. Treatment plant process control monitoring and calibration schedule.
3. Emergency procedures for treatment plant shutdown and cleanup in event of wastewater system upset or failure.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, 3, or 4) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
 - c. The Department is properly notified of the bypass as required in condition S3E of this permit.
3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an

analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

4. Bypass from Storms Larger than the 6 Month, 24-Hour Event Through Outfall 002.

Bypasses resulting from precipitation amounts larger the 6-Month, 24-Hour event (1.6 inches in 24 hours) are permitted , provided that the discharger samples the bypass discharge for the parameters for which this permit establishes interim or final effluent limits, estimates the volume of water discharged, and reports the data to the Department.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S6. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. The three acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted quarterly for one year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50% of the organisms (LC₅₀). The percent survival in 100% effluent shall also be reported. For the purpose of this section, quarters are defined as January through March (Winter), April through June (Spring), July through September (Summer), and October through December (Fall).

The characterization period will commence one year from the date that Ecology approves the Engineering Report.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F).
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.
3. Rainbow trout, *Oncorhynchus mykiss* (96 hour static-renewal test, method: EPA/600/4-90/027F).

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

1. The median survival of any species in 100% effluent is below 80%.
2. Any one test of any species exhibits less than 65% survival in 100% effluent.

If an effluent limit for acute toxicity is required by subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall complete all applicable requirements in subsections E and F.

The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D. are being met to the satisfaction of the Department.

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Special Condition 1 of this permit. The ACEC equals 5% effluent.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall stop effluent characterization and begin to conduct the activities in subsection E even if the ACEC is unknown.

C. Monitoring for Compliance with an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using each of the species listed in subsection A on a rotating basis and performed using at a minimum 100% effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100% effluent shall be reported for all compliance monitoring.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

D. Response to Noncompliance with an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results or beginning with the next discharge event. This additional monitoring shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall determine the LC_{50} and effluent limit compliance. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed

without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department. The TI/RE plan submittal shall be within 60 days after the sample date for the fourth additional compliance monitoring test. If the Permittee decides to forgo the rest of the additional compliance monitoring tests required in this subsection because one of the first three additional compliance monitoring tests failed to meet the acute toxicity limit, then the Permittee shall submit the TI/RE plan within 60 days after the sample date for the first additional monitoring test to violate the acute toxicity limit. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity

The Permittee shall test final effluent once in the last fall (Sept. through November) and once in the last winter (January through March) prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by the Department shall be used, and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on grab samples. Composite samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be below 8° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4° C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. Final effluent samples for whole effluent toxicity testing shall be chemically dechlorinated with sodium thiosulfate just prior to test initiation. No more sodium thiosulfate shall be added than is necessary to neutralize the chlorine.
8. Effluent samples for whole effluent toxicity testing shall be collected just prior to the chlorination step in the treatment process.
9. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
10. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S7. OUTFALL EVALUATION

The Permittee shall inspect biennially (i.e. once every two years) the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. The permittee shall submit an inspection report describing the inspection findings and corrective actions taken to the Department by December 31 in the year the inspection is made.

S8. NEARSHORE EVALUATION

The Permittee shall inspect biennially all nearshore loading areas, remove any metal debris found on the bed of the river, and submit a report to the Department detailing the findings of the inspection and cleanup. If conditions allow for a photographic verification, it shall be included in the report. The permittee shall submit an inspection report describing the inspection findings and corrective actions taken to the Department by December 31 in the year the inspection is made.

S9. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department of Ecology.

A. Plan Development Deadlines

The Permittee shall develop, implement, and comply with an SWPPP in accordance with the following schedule:

1. By 90 days from effective date of permit, develop an SWPPP and retain it on-site.
2. By 9 months from effective date of permit, complete the implementation of *operational BMPs* and applicable *source control BMPs*, as required under this Special Condition, which do not require *capital improvements*.

B. General Requirements

1. Submission, Retention, and Availability:

The Permittee shall submit a copy of the SWPPP to the Department within 90 days of the permit effective date. The SWPPP and all of its modifications shall be signed in accordance with Special Condition S3.I. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The Permittee shall submit all modifications to the SWPPP to the Department in a timely manner and implement any such modifications in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.
4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:
 - a. Assessment and description of existing and potential pollutant sources.
 - b. A description of the operational BMPs.
 - c. A description of selected source-control BMPs.

- e. A description of the treatment BMPs.
- f. An implementation schedule.
- g. A description of responses to exceedances of benchmark values contained in Special Condition S2. Those steps shall include a site inspection to ensure that all Best Management Practices identified in the SWPPP and improvements described in the engineering report are fully and consistently implemented, and notification to the department of steps taken to control sources of TSS and COD as a result of the inspection.

After implementation of improvements described in the engineering report, if the discharger exceeds the benchmark value for a parameter in two consecutive months or three times within any 12-month period, the discharger will obtain 24-hour turn around of all subsequent laboratory samples for that parameter.

- h. A description of BMPs designed to prevent and manage spills.

C. Implementation

The Permittee shall conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with Condition S3.I, that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

S10. ENGINEERING REPORT

No later than September 1, 2005, the permittee shall submit to the Department for review and approval, two copies of an engineering report prepared in accordance with WAC 173-240. The engineering report will describe the source control and capital improvements needed to meet final effluent limits.

S11. COMPLIANCE SCHEDULE

The permittee will comply with interim and final effluent limits contained in this permit according to the following schedule:

Compliance With Interim Effluent Limits:

Commencing on the permit effective date, the permittee shall attain compliance with interim effluent limits contained in this permit.

Compliance With Final Effluent Limits:

Within 12 months of approval of the engineering report, the permittee shall meet final effluent limits contained in this permit.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.
 - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 - 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
 - 1. One hundred micrograms per liter (100 µg/l).
 - 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
 - 1. Five hundred micrograms per liter (500µg/L).
 - 2. One milligram per liter (1 mg/L) for antimony.
 - 3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.